

EXHIBIT 48

CONFIDENTIAL
James Bolin - March 6, 2020

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF PUERTO RICO

3

4

5 In Re:)

6 THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD) PROMESA TITLE III

7 FOR PUERTO RICO) Case No.

8 as representative of) 17-BK-03283 (LTS)

9 THE COMMONWEALTH OF PUERTO RICO, et. al,)

10 Debtors.)

11)

12 In Re:)

13 THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD) PROMESA Title III

14 FOR PUERTO RICO) Case No.

15 as representative of) 17-BK-03566 (LTS)

16 THE EMPLOYEES RETIREMENT SYSTEM OF THE)

17 GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO,)

18 Debtor.)

19)

20

21 CONFIDENTIAL

22 Transcript of James Bolin

23

24 Reported by:

25 LORRAINE B. ABATE, CSR, RPR

CONFIDENTIAL
James Bolin - March 6, 2020

Page 51

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL

2 A. We both had similar recollection. There
3 could have been other documents, there certainly have
4 been other documents since the initial purchases we
5 don't remember.

6 Q. So those are the only two documents that
7 you specifically recall looking at at the time of
8 your initial purchase of ERS bonds?

9 A. Right. For sure, yeah.

10 Q. And you also mentioned that you
11 discussed with Mr. Bersh the preparation made for
12 investing in ERS bonds; is that correct?

13 A. Yeah. That would be the document -- the
14 official statement and the bond resolution.

15 Q. There was no other preparations that you
16 made that you can recall before?

17 A. I think I testified that I had -- my
18 interest in the ERS bonds had been precipitated by a
19 Morgan Stanley report in July of 2015, and I don't
20 believe he had seen the report. I'm sure he has seen
21 it since, but I don't think at the time he had.

22 Q. And then finally, you mentioned that you
23 discussed with Mr. Bersh when you had first spoken
24 with counsel with respect to the ERS bonds.

25 A. Yes.

CONFIDENTIAL
James Bolin - March 6, 2020

Page 80

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL
2 whether you reviewed the enabling act or portions of
3 the enabling act before making an initial purchase of
4 ERS bonds?

5 A. Correct.

6 Q. Do you know if anyone at Appaloosa
7 reviewed the enabling act before the Appaloosa Funds
8 made their first purchase of ERS bonds?

9 A. Mr. Bersh does not recall reviewing it
10 and Mr. Nigam did not review any legal documents in
11 this case.

12 Q. So you're not aware of anyone at
13 Appaloosa who reviewed the enabling act before the
14 first purchase?

15 A. Correct.

16 Q. And you've already confirmed that you
17 have, at no point, reviewed the Spanish version of
18 the enabling act?

19 A. That's correct.

20 Q. Did the information that the Appaloosa
21 Funds considered in making purchases of the ERS bonds
22 change after the first purchase?

23 A. Did the information change?

24 Q. Did you rely on any different
25 information to make subsequent purchases of ERS bonds

CONFIDENTIAL
James Bolin - March 6, 2020

Page 82

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL
2 Funds' assessments of the attractiveness of ERS bonds
3 changed after PROMESA was enacted?

4 MR. PAPEZ: Same objection.

5 A. I'm sorry, in what context?

6 Q. We can leave the question for the time
7 being.

8 When you first purchased ERS bonds, did
9 you consider them an attractive investment?

10 A. Yes.

11 Q. Did that assessment of the ERS bonds as
12 an attractive investment change after PROMESA was
13 enacted?

14 MR. PAPEZ: Objection, vague.

15 A. We still considered -- we continued to
16 hold the bonds and considered them an attractive
17 holding.

18 Q. Would you say that you considered them
19 to continue to be an attractive investment after
20 PROMESA was enacted, then?

21 A. We considered them to be -- we continued
22 to hold them as an investment. We considered that
23 holding attractive.

24 Q. Is Andalusian aware of a pleading filed
25 by AAFAF in November 2017 in which it argued that ERS

CONFIDENTIAL
James Bolin - March 6, 2020

Page 83

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL

2 acted beyond its authority in issuing the ERS bonds?

3 A. Yeah. I became aware of that litigation
4 while preparing for this deposition. I don't have a
5 specific recollection of it, and Mr. Bersh does not
6 either. We could have been aware of it.

7 Q. Okay.

8 (Bolin Exhibit 5, E-Mail with
9 Attachment, marked for identification, as of
10 this date.)

11 Q. Mr. Bolin, I've handed the court
12 reporter a document which would be marked as
13 Exhibit 5. It is an e-mail with the body of the
14 e-mail entirely redacted as well as an attachment to
15 that e-mail.

16 Do you recognize this document?

17 A. It purports to be the government
18 defendants' joint supplemental memorandum of law in
19 support of a motion to dismiss plaintiff's amended
20 supplemented complaint pursuant to federal FR --
21 Civil Procedure 12(b) (6).

22 Q. I will represent to you that the
23 attachment is the AAFAF motion from November 2017
24 that we just discussed.

25 Do you recall receiving this e-mail

CONFIDENTIAL
James Bolin - March 6, 2020

Page 84

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL

2 attaching this document?

3 A. I don't recall, no.

4 Q. Okay. If you look about halfway down

5 the block of names of recipients, toward the

6 left-hand side, it says J.Bolin@AML.P.com.

7 A. Yes.

8 Q. Is that your e-mail address?

9 A. Yes, it is.

10 Q. Do you have any reason to believe you

11 didn't receive this e-mail?

12 A. No.

13 Q. Do you recall when you first -- let me

14 back up for a second.

15 I'm going to refer to the argument that

16 the ERS bonds were invalidly issued, and therefore,

17 were -- that the ERS bonds were issued beyond ERS's

18 authority, and therefore, invalid as for the ultra

19 vires issue.

20 Does that make sense to you?

21 A. Yes.

22 Q. Do you recall when you first became

23 aware of the ultra vires argument?

24 MR. PAPEZ: And I just caution the

25 witness he's asking for a date. You're free to

CONFIDENTIAL
James Bolin - March 6, 2020

Page 126

1 CONFIDENTIAL - Bolin - March 6, 2020 - CONFIDENTIAL

2 extent that that may call for privileged
3 communications.

4 If you've ever done so outside of any
5 communications, you're free to testify to it.

6 But I'm also going to object as beyond the
7 scope, so it's a personal question.

8 A. So excluding ERS?

9 Q. Correct.

10 A. I don't believe so.

11 Q. So I'd like to go back to the

12 contribution of funds from other

13 Appaloosa-controlled -- strike that.

14 The contribution of bonds from other

15 Appaloosa-controlled funds to Andalusian.

16 Why were those contributions made?

17 A. I decided to make them, and that was --

18 it became apparent in roughly May of 2017 that we

19 were -- ERS was not going to be a passive investment

20 because the -- and I can't remember whether the

21 litigation had been launched or the Commonwealth was

22 threatening to launch litigation against us.

23 So we joined the bondholder group and

24 Andalusian was a convenient holding vehicle for the

25 bonds. It was a less recognizable name with the